

TRANSCRIPT OF PROCEEDINGS

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

Received-FCC

JUL 29 2019

Bureau / Office

In the Matter of:

ENTERTAINMENT MEDIA TRUST  
DENNIS J. WATKINS, TRUSTEE

MB Docket No. 19-158

Application to Renew License:

KFTK(AM)(formerly WQQX(AM))  
East St. Louis, Illinois

Facility ID No. 72815  
File No. BR-20120709ACP

WQQW(AM), Highland, Illinois

Facility ID No. 90598  
File No. BR-20120709AC0

KZQZ(AM), St. Louis, Missouri

Facility ID No. 72391  
File No. BR-20120921AAW

KQQZ(AM), DeSoto, Missouri

Facility ID No. 5281  
File No. BR-20120921ABA

Application for Consent to Assignment of Licenses:

KFTK(AM)(formerly WQQX(AM))  
East St. Louis, Illinois

Facility ID No. 72815  
File No. BAL-20160919ADH

WQQW(AM), Highland, Illinois

Facility ID No. 90598  
File No. BAL-20160919ADI

KZQZ(AM), St. Louis, Missouri

Facility ID No. 72391  
File No. BAL-20160919ADJ

KQQZ(AM), DeSoto, Missouri

Facility ID No. 5281  
File No. BAL-20160919ADK

Application for Permit to Construct New Station:

W275CS, Highland, Illinois

Facility ID No. 200438  
File Nos.  
BNPFT-20170726AEF  
BNPFT-20180314AAO

DATE OF HEARING: July 9, 2019 VOLUME: 1

PLACE OF HEARING: WASHINGTON, D.C. PAGES: 1-13

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IN THE MATTER OF: :

ENTERTAINMENT MEDIA TRUST, : MB Docket No. 19-156

DENNIS J. WATKINS, TRUSTEE : :

Applications to Renew : :

License: : :

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East St. Louis, Illinois : File No. BR-20120709ACP

WQQW(AM), Highland, : Facility ID No. 90598

Illinois : File No. BR-20120709ACO

KZQZ(AM), St. Louis, : Facility ID No. 72391

Missouri : File No. BR-20120921AAW

KQQZ(AM), DeSoto, Missouri : Facility ID No. 5281

: File No. BR-20120921ABA

Application for Consent to : :

Assignment of Licenses: : :

KFTK(AM) (formerly WQQX(AM)) : Facility ID No. 72815

East St. Louis, Illinois : File No BAL-20160919ADH

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Construct New Station: : File Nos.

: BNPFT-20170726AEF

W275CS, Highland, Illinois : BNPFT-20180314AAO

Tuesday,  
July 9, 2019

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WASHINGTON, D.C. 20005-3701

445 12th Street SW, Suite 1C831  
Washington, D.C. 20554

The above-entitled matter came on for hearing, pursuant  
to notice, at 10:00 a.m.

BEFORE: Administrative Law Judge Jane Hinckley Halprin

APPEARANCES:On Behalf of Entertainment Media Trust:

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P-R-O-C-E-E-D-I-N-G-S

(10:00 a.m.)

JUDGE HALPRIN: Let's go on the record. If you don't mind, it's rather hot in here, so I'm going to leave the door open. Everybody okay with that? Okay.

So this is the first pre-hearing conference in Media Bureau Docket Number 19-156, regarding applications filed by Entertainment Media Trust, Dennis J. Watkins, Trustee.

Specifically, the applications at issue are for renewal of four AM radio stations; KFTK in East St. Louis, Illinois, WQQW in Highland, Illinois, KZQZ in St. Louis, Missouri, and KQQZ in DeSoto, Missouri.

Also at issue are applications for assignment of those licenses as well as an application for an FM translator station, W275CS, in Highland, Illinois.

This proceeding was initiated on June 5th by an order of the Chief of the Media Bureau that designated a number of issues for hearing, including allegations of unauthorized -- undisclosed, excuse me, real party in interest, unauthorized transfer of control, and misrepresentation, and lack of candor with the Commission.

I'll begin by taking appearances, starting with counsel for Entertainment Media Trust.

MR. LEPORE: Anthony T. Lepore, co-counsel for Entertainment Media Trust.

1 MS. SASHKIN: Davina Sashkin, co-counsel for  
2 Entertainment Media Trust.

3 MR. WILLIAMS: Seth Williams, co-counsel for  
4 Entertainment Media Trust.

5 MS. KANE: Pamela Kane for the Enforcement Bureau and  
6 with me is Jeffrey Gee.

7 JUDGE HALPRIN: Good morning, everyone. And in the small  
8 world department, I will note that Mr. Lepore and I went to law  
9 school together.

10 MR. LIBERMAN: We also have notice of appearance for Mr.  
11 Kern.

12 JUDGE HALPRIN: Oh, of course. Excuse me.

13 MR. LIBERMAN: Yes, for Mark Kern, Howard Liberman, and  
14 with me is co-counsel Robert Kirk.

15 JUDGE HALPRIN: Thank you. So the purpose of today's  
16 conference is to work out a schedule for discovery and for the  
17 hearing itself. The renewal applications that form the basis of  
18 this proceeding have been pending since 2012, so I'd like to move  
19 quickly to a resolution.

20 So I'll begin with Ms. Kane, do you intend to serve  
21 requests for admission? Shall I -- let me stop for a second, to  
22 whom shall I address -- shall I address you with --

23 MS. KANE: Yes, Your Honor. I'm lead counsel.

24 JUDGE HALPRIN: Okay. And, okay, Ms. Sashkin, and Mr.  
25 Liberman. Okay. So, Ms. Kane, do you intend to have requests for

1 admission?

2 MS. KANE: We do, Your Honor.

3 JUDGE HALPRIN: When do you expect to file those?

4 MS. KANE: By my calculation, they're due next Tuesday,  
5 Your Honor, so we will be serving them before then.

6 JUDGE HALPRIN: Okay.

7 MS. KANE: On or before that day.

8 JUDGE HALPRIN: Okay. And that's --

9 MS. KANE: The 16th, Your Honor.

10 JUDGE HALPRIN: The 16th. Okay. Thank you. And, Ms.  
11 Sashkin, do you expect to have any request for admission?

12 MS. SASHKIN: Yes.

13 JUDGE HALPRIN: Okay. And when do you expect to serve  
14 those?

15 MS. SASHKIN: I believe they would be due around the same  
16 date, so --

17 JUDGE HALPRIN: Yes, they are. Okay. Was hoping  
18 somebody might serve them early. That's all. And, Mr. Liberman,  
19 to the extent that you can work with the Bureau on discovery and  
20 other issues, I presume that you'll be able to do that. That would  
21 speed things along.

22 MR. LIBERMAN: Yes. Thank you, Your Honor.

23 JUDGE HALPRIN: Thank you. Okay. For this and for all  
24 matters in this proceeding, the rules do, in many places, specify  
25 multiple written copies of pleadings. I prefer that you use the

1 Commission's electronic comment filing system, ECFS, and that  
2 service be achieved via email rather than postal mail.

3 To serve courtesy copies on my office, my email address  
4 is jane.halprin@fcc.gov and please also serve my colleague, John  
5 Adams, who's over here; johnb.adams@fcc.gov.

6 So, Ms. Kane, when do you expect to serve your initial  
7 interrogatories?

8 MS. KANE: We're in the process of preparing those, Your  
9 Honor, and certainly, We're willing to work with you, and we share  
10 your concern about having these issues resolved as quickly as  
11 possible, however, we do believe that it makes sense to serve the  
12 interrogatories, or wait to serve the interrogatories, and/or  
13 document requests until after we would receive the responses to the  
14 request for admissions.

15 We are very hopeful that we will get some affirmative  
16 responses to those in a way that will help us narrow the issues  
17 moving forward.

18 JUDGE HALPRIN: Okay.

19 MS. KANE: I believe the time turnaround is usually about  
20 20 days, so we're looking at probably mid-August before we'd be  
21 prepared to serve initial discovery.

22 JUDGE HALPRIN: Okay. And, Ms. Sashkin, do you expect to  
23 serve interrogatories?

24 MS. SASHKIN: Yes. We were not certain about what the  
25 plan would be for -- from the FCC, so we were a little bit waiting



1 to see what that plan would be, but yes, we do intend to serve  
2 interrogatories.

3 JUDGE HALPRIN: Okay. And does the mid-August timeframe  
4 work for you?

5 MS. SASHKIN: I think so. Do you think so?

6 MR. LEPORE: Yes.

7 MS. SASHKIN: Yes, Your Honor.

8 JUDGE HALPRIN: Okay. So once interrogatories are  
9 served, the rules provide that responses are due within 14 days.  
10 I would like to avoid motions to compel, to the extent possible, to  
11 that end, I expect the parties to work together to resolve any  
12 difficulties you may have in discovery.

13 If it turns out that there is something that you simply  
14 can't compromise on and you file a request from me, I'd like that  
15 to request -- I'd like that request to include a certification that  
16 you have first made a good-faith attempt to resolve the conflict,  
17 but have reached an impasse.

18 So I know it's very difficult to say at this early stage,  
19 Ms. Kane, but what is your best estimate of how many witnesses you  
20 would expect to depose?

21 MS. KANE: Actually, Your Honor, I think this is going to  
22 be a pretty numerous amount of people. We're looking to depose,  
23 obviously, the MT folks, or folk, person, as well as Insane  
24 Broadcasting employees, and other third parties, so I think we're  
25 looking at upwards of at least ten depositions in this case, and

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1 probably, depending on how the discovery moves forward, more than  
2 one set of interrogatories and/or requests for documents.

3 JUDGE HALPRIN: Okay. And I presume those witnesses are  
4 probably all out of the area?

5 MS. KANE: All of the witnesses would be out of the area  
6 and many of them would be third parties, so we would be seeking  
7 subpoenas through your office to serve them with either discovery  
8 and/or deposition notices.

9 JUDGE HALPRIN: Okay. Ms. Sashkin, do you have an idea,  
10 rough idea, again, at this early stage, of how many witnesses you  
11 might expect?

12 MS. SASHKIN: Yes, Your Honor. Likewise, we expect there  
13 to be a lot of depositions. We anticipate approximately 13 or 14  
14 at this moment, but it sounds like we probably have the same people  
15 in mind.

16 JUDGE HALPRIN: Okay.

17 MS. SASHKIN: We might have an expert or two in addition.

18 JUDGE HALPRIN: Okay. And, Mr. Liberman, I neglected to  
19 ask you about your discovery, I presume most of it will overlap  
20 with the Bureau, but do you have an idea of what your plan --

21 MR. LIBERMAN: No, we have not reached that point yet.

22 JUDGE HALPRIN: Okay.

23 MR. LIBERMAN: We'll coordinate with the Bureau --

24 JUDGE HALPRIN: Sure.

25 MR. LIBERMAN: -- if there are people we have in mind and

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1 they don't, we'll work that through.

2 JUDGE HALPRIN: Very good. Thank you. Okay. So, Ms.  
3 Kane, what other discovery do you anticipate, if any?

4 MS. KANE: I mean, at this point, it's a little difficult  
5 to say, but I do expect there to be probably more than one or two  
6 rounds of interrogatories --

7 JUDGE HALPRIN: Okay.

8 MS. KANE: -- based on the discovery responses that we  
9 receive. Perhaps more than one or two rounds of document requests.

10 JUDGE HALPRIN: Okay.

11 MS. KANE: And certainly, depositions, both of parties  
12 and third parties, but beyond that, I'm not expecting anything new  
13 and different.

14 JUDGE HALPRIN: Okay. And is that how you feel the  
15 process will go too, Ms. Sashkin, I presume?

16 MS. SASHKIN: Yes, Your Honor.

17 JUDGE HALPRIN: Okay. All right. At that point, let's  
18 go off the record and coordinate our calendars.

19 (Whereupon, the foregoing matter went off the record at  
20 10:10 a.m. and went back on the record at 10:24 a.m.)

21 JUDGE HALPRIN: So while we were off the record, we  
22 agreed to the following dates. Let's see. Completion of  
23 discovery, February 21, 2020, I'd like status reports on the first  
24 Tuesday of every month, the deadline for motions for summary  
25 decision would be April 3, 2020, the date for completion of exhibit

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1 exchange and witness lists and the affirmative direct cases is June  
2 1st, and to that extent, if you could please provide a  
3 comprehensive index with your exhibits, that would be very helpful.

4 The date for notification of witnesses for cross-  
5 examination is June 8, 2020. Objections to direct case exhibits  
6 and written testimony is June 15, 2020. And then the date for  
7 replies to objections would be June 22, 2020, with the hearing  
8 expected to begin on Monday, July 13, 2020. Did I miss anything?

9 MS. SASHKIN: For clarification, Your Honor, since  
10 several of us are in various time zones, as well as the witnesses  
11 --

12 JUDGE HALPRIN: Oh, of course. Yes.

13 MS. SASHKIN: -- would the due time on those dates be  
14 midnight East Coast, would it be -- I mean, also, because we're  
15 going to be filing things in electronic --

16 JUDGE HALPRIN: Since you're filing electronically, I  
17 would say midnight East Coast is fine, rather than close of  
18 business.

19 MS. SASHKIN: Thank you.

20 JUDGE HALPRIN: So as I said, I'll release a summary of  
21 this conference in the coming days, including the tentative  
22 schedule we've worked out. Are there any other issues that need to  
23 be ironed out today?

24 MR. LIBERMAN: If I may, Your Honor, I'd like to ask if  
25 we could clarify that counsel who was here for the Trust is not

1 representing Mr. Romanik individually, so that as far as we know,  
2 Mr. Romanik does not have counsel or has not made an appearance  
3 directly or indirectly.

4 JUDGE HALPRIN: He has not filed an appearance, is that  
5 correct?

6 MS. SASHKIN: That's correct, Your Honor.

7 JUDGE HALPRIN: By the way, your -- for some reason, your  
8 appearances, Ms. Sashkin and Mr. Lepore, didn't make it into the  
9 ECFS system. Did you file them by mail, postal mail, or did you go  
10 into ECFS and do it?

11 MS. SASHKIN: I thought I did it by ECFS, but I can  
12 double-check, Your Honor.

13 JUDGE HALPRIN: Okay. If you can take a look at that  
14 process.

15 MS. SASHKIN: Sure.

16 JUDGE HALPRIN: It could be an error on our end.  
17 Certainly, your appearances were done in plenty of time and I  
18 received them, so you're fine, but you might want to check that  
19 just to make sure future filings make it in in a timely way.

20 Okay. So anything else?

21 MS. SASHKIN: Excuse me, Your Honor, would you like us to  
22 resubmit them if they haven't -- if they are not properly submitted  
23 into ECFS?

24 JUDGE HALPRIN: No, that might get the dates confused.  
25 Just double-check with -- I have a feeling that things might be on

1 our end, so just double-check that it was done right. If there was  
2 an error -- if it turns out that it's your error, please resubmit  
3 them with a note that they were initially submitted in error.

4 MS. SASHKIN: Yes, Your Honor. Thank you.

5 JUDGE HALPRIN: Okay. All right. Well, thank you,  
6 everyone, for coming today. We'll be in recess now. Let's go off  
7 the record.

8 (Whereupon, the hearing in the above-entitled matter was  
9 concluded at 10:28 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Entertainment Media Trust

Before: Federal Communications Commission

Date: 07-09-19

Place: Washington, DC

was duly recorded and accurately transcribed under  
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*Neal R Gross*  
-----  
Court Reporter

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Name of Hearing

MB DOCKET NO. 19-156

\_\_\_\_\_  
Docket No. (if applicable)

445 12<sup>th</sup> STREET, S.W., WASHINGTON, D.C.

\_\_\_\_\_  
Place of Hearing

July 9, 2019

\_\_\_\_\_  
Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 13, inclusive, are the true, accurate and complete transcript prepared from the reporting by Antarah Crawley in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

July 19, 2019                      Antarah Crawley

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